

REMARKS/ARGUMENTS

Claims 1-26 are pending. Claims 1, 3, 4, 6, 10, 11, and 21 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,919,555 to Fiessler. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Fiessler. Claims 5, 7-9, 12-20, and 22-26 were rejected as being unpatentable over Fiessler in view of U.S. Patent No. 5,588,766 to Lai.

Applicant appreciates the thorough examination reflected in the Office Action. To clarify the operation and arrangement of the claimed safety device for a manufacturing machine, Applicant has amended Claim 1 in various respects. Since the amendments are relatively complicated, a clean form of Claim 1 is set forth below for the Examiner's convenience (with language of particular interest in ***bold italics***):

1. Safety device comprising a beam emitting and beam receiving device for a manufacturing machine with at least one retaining mechanism designed in the form of an adjusting mechanism for the safety device on a press beam which can be fitted with bending tools in a tool mounting device, wherein the adjusting mechanism holds the beam emitter and/or beam receiver in a guiding arrangement that allows the beam emitter and/or beam receiver to be ***adjusted relative to the press beam along a first direction*** running perpendicular to a standing surface ***between at least one working position and a park position***, wherein ***the park position is relatively farther in the first direction away from a working plane of the manufacturing machine than is the working position***, wherein the adjusting mechanism has a guiding and locking device switching a locking element of a locking device between ***a releasing position that allows said adjustment along the first direction and a retaining position that prevents said adjustment along the first direction***, and the retaining mechanism for the beam emitter and/or the beam receiver ***automatically switches the locking element to the retaining position and locks the beam emitter and/or beam receiver in the park position*** fixed in relation to the press beam ***upon a linear displacement of the beam***

emitter and/or beam receiver in the first direction away from the working plane to or past the park position.

The present claims thus specify that the park position of the retaining mechanism is **farther from the working plane than is the working position**. Further, the retaining mechanism for the beam emitter/receiver **automatically locks** in relation to the press beam **in the park position** upon a linear displacement of the beam emitter/receiver in a direction away from the working plane **to or past the park position**.

This is not true of Fiessler's mechanism. In Fiessler, guide rods **15** support photoelectric detectors **17** at their lower ends. The guide rods slide upwardly and downwardly in guides **14** that are rigidly affixed to the upper press member **11**. U-shaped abutment elements **18** are clamped to the rods **15** and surround the guides **14**, and compression springs **19** are compressed between inner surfaces of the abutment elements **18** and the lower surfaces of the guides **14**. The clamping force of the abutment elements **18** on the rods **15** is greater than the spring force of the springs **19**. As a result, the springs constantly urge the rods **15**, and thus the photoelectric detectors **17**, downwardly relative to the upper press beam **11**. Accordingly, if the rods **15** and detectors **17** were linearly displaced upwardly (away from the working plane) against the force of the springs **19**, there is nothing to hold them in such raised position, and the springs would urge them back down as soon as the displacing force ceased.

Thus, Fiessler fails to disclose or suggest a locking mechanism as claimed. Indeed, Fiessler's objective is to constantly urge the rods **15** downwardly, and upward movement of the rods relative to the press beam occurs only when the detector arrangement **17** abuts the abutment elements **21** on the bottom part **12** of the machine (see Figure 3). The detector arrangement **17** would not be locked in an upper position if an operator were to push it upwardly while the upper press beam is in a retracted position as in Figure 1.

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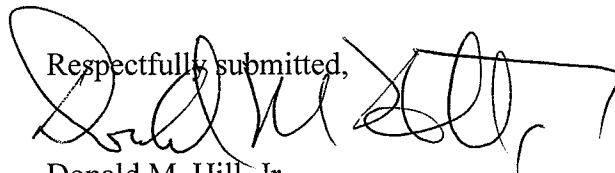
Fiessler's objective thus is quite different from the objective of the claimed safety device. For this reason, a person of ordinary skill in the art would not have been led to modify Fiessler's machine to include a locking mechanism as claimed, as it would be contrary to Fiessler's objective to constantly urge the detectors 17 to the lowest possible position in relation to the press beam.

Accordingly, it is respectfully submitted that the rejections based on Fiessler are erroneous and should be withdrawn.

Conclusion

Based on the above amendments and remarks, it is respectfully submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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